

5/13/2023

RE: LD 1904 - An Act to Enact the Maine Fair Chance Housing Act

Committee on Judiciary,

I'm opposed to LD 1904. This bill will be difficult for small housing providers to navigate. I also think it could lead to dangerous situations with housing providers and existing tenants in the building who would be living with a dangerous criminal. This will inevitably increase the percentage of corporate owned units in our state. I really think locals owning our rental units leads to better outcomes for our communities.

I understand the intent behind this bill. For example, someone who stole a candy bar from a store when they were 18 years old, which was 20 years ago, should probably not have that used against them when searching for housing. What about a lifelong sex offender in a multi-family home with kids? How long will those families stay there after they learn that person is moving in? The optics of the whole situation are bad for business. Why does this bill make such a blanket ban on asking about all criminal history at the start of the screening process? Why is it treating misdemeanors the same as felonies?

It's interesting that the state is willing to cause expensive legal issues for small housing providers who cannot afford the costs but exempts public housing providers from being fined and sued for damages. This seems like hypocrisy to me. Are you concerned that public housing providers won't be able to maintain compliance with this law? Why can a public housing provider discriminate without any financial risk when they are large firms that can have a compliance specialist but the small housing providers have to be legal experts or face the Human Rights Commission?

Another issue is all the time this bill will waste for both the applicant with a criminal history and housing provider. For example, consider a dangerous sex offender is applying and there is no way a housing provider is going to allow them into the unit. The applicant is going to have to pay the fees for their credit and background check, complete a full application, send in proof of income and their photo ID. The housing provider is going to need to spend hours checking references. Assuming all of that comes back meeting the screening criteria and they are given a conditional offer; the provider can now consider the applicant's criminal background and now the tenant needs to be refused. This process can take 1-7 days and wastes time and will keep units vacant for longer periods of time, which will have a negative effect on the housing supply and the ability of the housing provider to make a living.

Another issue is housing providers gather a lot of information during the screening process. For example, we learn a lot when talking with references as people over share. What if a reference says John is a good worker, but he has a dangerous past before he was in prison. The housing provider did not ask about criminal history, but the information was offered during the call. Should the housing provider unhear what was just said? Are they not in compliance with this law just because they heard that statement without even asking? Should they pretend they did not hear anything, give conditional acceptance, just to run the criminal report that they already know the results of?

Is this bill going to protect housing providers from the liability of taking criminals? For example, if we take someone with a violent past and they hurt one of their neighbors, from my understanding we could

be sued for allowing them to live there. Without such a blanket liability protection from The State, I cannot imagine many housing providers will take the risk.

Furthermore, I'd like to remind the legislature that there are very few laws protecting housing providers from tenants. Many housing providers in our area have been harassed by tenants. There are instances of elder abuse when the housing provider is older. Instances of sexual harassment usually when the housing provider is female. I fear this bill will only increase violence against housing providers. Violence is frequently threatened against housing providers by tenants in Maine. Nationwide both housing providers and police have been killed by tenants serving eviction notices. It would also be nice to give us some legal protection against such harassment. For example, if a tenant harasses a housing provider, it should be codified that could be an automatic 7-day notice.

What does the following statement even mean? "The commission also shall conduct periodic reviews with private housing providers to assess compliance with that chapter." Does this mean the commission will start conducting random audits to make housing provider's lives even more difficult? That is just too much stress and red tape especially for small mom and pop operations. Red tape like this is going to force them to sell. The red tape is just not worth it if you only have a couple of units.

It's interesting it's the government who gives criminals their convictions and criminal history. Perhaps the government should have a better process of expunging criminal records that it deems unimportant instead of adding more red tape to housing providers' plates. Perhaps it's the government and the judicial system that need an overhaul to help reform criminals rather than shifting that burden onto mom and pop landlords who are going to struggle to navigate this bill.

In short, this law should not pass. It will create tricky situations for housing providers, extend the time units are vacant and I don't see how it will get past convicts into housing. I don't support turning convicted criminals into a protected class.

Regards,

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